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Thomas R. Smith, Esquire (TS-0929)
Pellettieri, Rabstein & Altman
P.O. Box 5301
Princeton, New Jersey 08543-5053
(609) 520-0900
Attorney for Plaintiff

FILED

OCT 25 2018

KATE BARKMAN, Clerk
By _____ Dep. Clerk

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

<p>JOSE MUNIZ, individually, Plaintiff(s)</p> <p>vs.</p> <p>SUNTUF USA; BREYER GMBH; BREYER EXTRUSION LINES; STÖBER; STÖBER ANTRIEBSTECHNIK GmbH + Co. KG; BREYER GmbH MASCHINENFABRIK; KLUBER LUBRICATION NA LP; PALRAM AMERICAS; ABC, Inc. (I-V); and JOHN DOE (I-V); said names ABC, Ins. (I-V), and John Doe (I-V), being fictitious, jointly, individually and in the alternative, Defendants</p>	<p>Civil Action Number 18-CV-</p> <p>Honorable _____</p> <p>COMPLAINT AND JURY TRIAL DEMAND</p>
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Plaintiff, JOSE MUNIZ, individually, by his attorneys, for his Complaint against defendants, SUNTUF USA; BREYER GMBH; BREYER EXTRUSION LINES; STOBBER; STÖBER ANTRIEBSTECHNIK GmbH + Co. KG; BREYER GmbH MASCHINENFABRIK; KLUBER LUBRICATION NA LP; PALRAM AMERICAS; ABC, Inc. (I-V); and JOHN DOE (I-V); said names ABC, Ins. (I-V), and John Doe (I-V), being fictitious, jointly, individually and in the alternative, states as follows:

JURISDICTION AND VENUE

1. Plaintiff, JOSE MUNIZ, individually, resides at 1315 Locust Street, Reading, Pennsylvania.
2. Defendant, SUNTUF USA, its agents, servants, and/or employees is a corporation in The State of Pennsylvania with its principal place of business being 9735 Commerce Circle, Kutztown, PA 19530.
3. Defendant, BREYER GMBH, its agents, servants, and/or employees is a German Corporation, with its principle place of business being Singen/Germany.
4. Defendant, BREYER EXTRUSION LINES, its agents, servants, and/or employees is German Corporation, with its principle place of business being Singen/Germany.
5. Defendant, STOBBER, its agents, servants, and/or employees with its principal place of business being Kieselbronner Straße 12, 75177 PFORZHEIM, Germany
6. Defendant, STÖBER ANTRIEBSTECHNIK GmbH + Co. KG, its agents, servants, and/or employees with its principal place of business being Kieselbronner Straße 12, 75177 PFORZHEIM, Germany.
7. Defendant, BREYER GmbH MASCHINENFABRIK, its agents, servants, and/or employees with its principal place of business being Singen/ Germany.

8. Defendant, KLUBER LUBRICATION NA LP, its agents, servants, and/or employees with its principal place of business being 32 Industrial Drive Londonderry, NH 03053.

9. Defendant, PALRAM AMERICAS, its agents, servants and/or employers is a corporation with its principle place of business in Kutztown, Pennsylvania.

10. The Court has original jurisdiction over this matter pursuant to 28 U.S.C. Sec. 1332(a), because the matter in controversy exceeds the sum of \$75,000, exclusive interest and costs and Plaintiff and Defendants are citizens of different states and countries.

11. Venue is proper in the Court pursuant to 28 U.S.C. Sec. 1391 (a) and (c).

FIRST COUNT

12. At all times pertinent hereto, the defendants, SUNTUF USA; BREYER GMBH; BREYER EXTRUSION LINES; STOBBER; STÖBER ANTRIEBSTECHNIK GmbH + Co. KG; BREYER GmbH MASCHINENFABRIK; KLUBER LUBRICATION NA LP; PALRAM AMERICAS; ABC, Inc. (I-V); and JOHN DOE (I-V); said names ABC, Ins. (I-V), and John Doe (I-V), being fictitious, jointly, individually and in the alternative, were companies and/or individuals, or the successor in interest of such companies and/or individuals, or the successor in interest of such companies and/or individuals, engaged in the design, manufacture, fabrication, assembly, sale, lease, repair and/or maintenance of a Breyer Cross Cutting Saw, and/or component parts thereof.

13. On or about December 13, 2016, the plaintiff, JOSE MUNIZ, sustained serious injuries while using a cross cutting machine.

14. The aforesaid, Breyer Company Cross Cutting Saw, and/or its component parts

thereof were not reasonably fit, suitable or safe for their intended purposes in that they: (a) deviated from the design specification, formulae, or performance standards of the manufacturer or from otherwise identical units manufactured to the same manufacturing specifications or formulae, or (b) failed to contain adequate warnings or instructions, or (c) were designed in a defective manner, and therefore, were defective products within the meaning of N.J.S.A.

2A:58C-1 et. seq.

15. As a result of the defendants' negligence and carelessness as aforesaid, the plaintiff sustained serious injuries, incurred expenses for hospital and medical attention, and was prevented from attending to his usual affairs and has suffered and will in the future suffer pain and permanent disability.

WHEREFORE, the plaintiff, JOSE MUNIZ, demands judgment against the defendants, SUNTUF USA; BREYER GMBH; BREYER EXTRUSION LINES; STOBER; STÖBER ANTRIEBSTECHNIK GmbH + Co. KG; BREYER GmbH MASCHINENFABRIK; KLUBER LUBRICATION NA LP; PALRAM AMERICAS; ABC, Inc. (I-V); and JOHN DOE (I-V); said names ABC, Ins. (I-V), and John Doe (I-V), being fictitious, jointly, individually and in the alternative, on the First Count for interest, damages and costs of suit.

SECOND COUNT

16. The allegations of the First Count are incorporated herein by reference.

17. Defendant, PALRAM AMERICAS, provided the Breyer Cross Cutting Saw for plaintiff and inherently exposed plaintiff to known and foreseeable risks of harm by removing, disengaging, suspending, altering or damaging the machines safety and warning mechanisms.

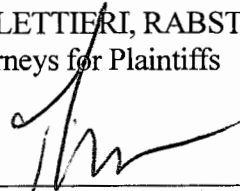
18. As a direct result of defendant's intentional and or grossly negligent conduct, plaintiff was caused to suffer severe and permanent injuries while using the saw.

WHEREFORE, the plaintiff, JOSE MUNIZ, demands judgment against the defendants, SUNTUF USA; BREYER GMBH; BREYER EXTRUSION LINES; STÖBER; STÖBER ANTRIEBSTECHNIK GmbH + Co. KG; BREYER GmbH MASCHINENFABRIK; KLUBER LUBRICATION NA LP; PALRAM AMERICAS; ABC, Inc. (I-V); and JOHN DOE (I-V); said names ABC, Inc. (I-V), and John Doe (I-V), being fictitious, jointly, individually and in the alternative, on the First Count for interest, damages and costs of suit.

JURY DEMAND

Plaintiff hereby demands a trial by jury.

PELLETTIERI, RABSTEIN AND ALTMAN
Attorneys for Plaintiffs



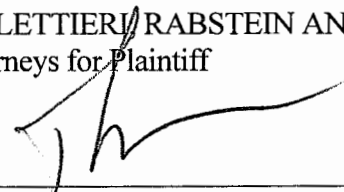
THOMAS R. SMITH, ESQUIRE (TS-0929)

Dated: 10/25/2018

CERTIFICATION

I hereby certify that the matter in controversy herein is not the subject of any action pending in any court arising from the same transactional facts as this matter. In addition, there is no arbitration pending or contemplated that arises from the same transactional facts as this matter.

PELLETTIERI, RABSTEIN AND ALTMAN
Attorneys for Plaintiff



THOMAS R. SMITH, ESQUIRE (TS-0929)

Dated: 10/25/2018